



Kansas Department of Health and Environment

Nursing Facilities Program

"FACT SHEET"

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Reducing the Use of Restraints

Since 1990 and the implementation of the Nursing Home Reform Act, there has been a concerted effort by nursing facilities to reduce the use of physical restraints. The reduction of physical restraints has initiated a change in practice for the care of frail elders.

Reducing restraint use in a facility is a commendable goal. It is, however, necessary that the **process** used to accomplish the decrease provides for the health and safety of the residents involved.

Physical restraints may only be used to treat a resident's medical condition. The decision to use a physical restraint must be accompanied by a thorough assessment and review of appropriate alternatives. It is never appropriate for a physical restraint to be discontinued on a resident without an assessment and determination of appropriate alternatives. The physical restraint Resident Assessment Protocol provides a systematic method for further assessment of residents related to use of restraints.

The National Citizens Coalition for Nursing Home Reform has published a booklet on restraint care. This booklet is an excellent resource for facility staff. It is also a good resource to share with family members who are insisting that a resident be restrained. Information on ordering this booklet can be found in "Resources for Quality Care" in this issue of the *Fact Sheet*.

Resident Assessment Instrument

The Health Care Financing Administration (HCFA) is in the process of revising the Minimum Data Set (MDS). A revised version, MDS 2.0, will be issued in the *State Operations Manual* sometime late this fall. Kansas will submit a revised instrument for approval by HCFA sometime next spring. Implementation of the revised form will not occur before July 1, 1995. **Facilities will be notified via the *Fact Sheet* of the implementation date for the new MDS 2.0.** A new manual is being developed by HCFA to accompany the revised form. Facilities are advised not to purchase computer software or manuals for the MDS 2.0 until formal notification is received from KDHE.

Section H of MDS+ - Walking

This office has received numerous calls concerning the walking item. The following is information on how to code the walking item in Section H. Physical Functioning and Structural Problems.

Residents who walk **only** for planned exercise, item a., will be coded for self performance and support. Items b, c, and d will be coded as 8-8 as these activities did not occur. Mr. C. is recovering from a fractured hip. The **only** time he walks is with physical assistance from the physical therapist. Therefore, the only time he walks is "for exercise only."

3.	WALKING	a. How resident walks for exercise only	3	2
		b. How resident walks around own room	8	8
		c. How resident walks in corridor on unit	8	8
		d. How resident walks in other places (off unit)	8	8

Mrs. S is on a restorative walking program. She requires two persons to assist her when walking. Mrs. S.'s care plan indicates that she is to be taken to the door of the dining room in her wheelchair and assisted by two staff to walk to a chair at her table for each meal. In addition, Mrs. S. is to be assisted by two staff members to walk to and from the toilet during the day. Mrs. S.'s MDS+ would be coded as follows:

3.	WALKING	a. How resident walks for exercise only	3	3
		b. How resident walks around own room	8	8
		c. How resident walks in corridor on unit	8	8
		d. How resident walks in other places (off unit)	8	8

Mrs. L. is able to walk without assistance in her room. She requires a staff member to walk with her in the hallway to the dining room as she forgets to pick up her walker correctly. Mrs. L. uses a wheelchair when she goes outside to the facility garden or other destinations off the nursing unit.

3.	WALKING	a. How resident walks for exercise only	8	8
		b. How resident walks around own room	0	0
		c. How resident walks in corridor on unit	1	1
		d. How resident walks in other places (off unit)	8	8

Adult Care Home Administrator License

Professional liability is of utmost concern when operating a facility. A portion of the myriad of responsibilities in owning and/or operating an adult care home includes the hiring of competent and reliable staff. Administrators are at the hub of the responsibility wheel and as such, hiring an administrator for your facility is an important step. Part of the hiring process should include a check on the status of the administrator's license.

Information is available to the public and potential employers concerning the practice of a licensee. Calling and reviewing this information in advance of hiring may save the facility from problems in the future. To obtain information about a candidate for an administrator position, please feel free to contact Ms. Pat Dismukes at (913) 296-0061.

Do Not Resuscitate Orders

The 1994 Kansas Legislature passed a statute governing pre-hospital do not resuscitate (DNR) orders (House Substitute for HB 2103). The intent of this statute was to define the process for DNR orders outside the hospital setting. A Pre-hospital DNR request Form was included in the statute. There are provisions in the statute for persons who are patients in medical care facilities and adult care homes.

"Sec. 5. Any document or other method of establishing a "do not resuscitate" order or directive which has been adopted by a medical care facility, an adult care home, or an emergency medical service prior to the effective of this act shall be considered in substantial compliance with the definition of a "do not resuscitate" order or directive under this act."

DNR forms provided by emergency medical service companies and executed prior to April 14, 1994 will continue to

be acceptable for use. DNR forms provided by emergency medical services companies after April 14, 1994 must substantially follow the form found in the law.

"Sec. 7. A "do not resuscitate" order established while the patient is admitted to a medical care facility licensed pursuant to K.S.A. 65-429, and amendments thereto, or an adult care home licensed pursuant to K.S.A. 39-928, and amendments thereto, shall remain valid during transport of the patient between such medical care facility and an adult care home or between such adult care home and a medical care facility, unless rescinded by the physician who is responsible for the care of the patient."

When a patient is transferred between care facilities, a copy of the physician's orders which contains a "do not resuscitate order" should be given to the emergency medical services personnel at the time of the transfer. Enclosed with this issue of the *Fact Sheet* is a copy of the law.

Durable Power of Attorney for Health Care Decisions

The statute governing durable power of attorney for health care decisions was revised by the 1994 Kansas Legislature. A new section was added providing protection to individuals who act as agents under this law. The new section reads as follows:

(g) Any person who in good faith acts pursuant to the terms of a durable power of attorney for health care decisions without knowledge of its invalidity shall be immune from liability that may be incurred or imposed from such action.

Another revision allows for the individual signing a durable power of attorney for health care decisions to do so before a notary public. The statute previously provided only for signing of the instrument before two witnesses.

Medicare and Medicaid certified facilities are required to provide training for the public and their residents on advanced directives. These changes should be incorporated in the mandated training.

Quality Improvement Update

The Kansas Quality Improvement Program is now a little over one year old. As part of the process, 449 surveys have been reviewed, and 100% of cited deficiencies have been assessed since October, 1993. Issues that were identified as a result of these activities, positive and negative, were fed back to the surveyors in the field through the regional manager. Educational needs were identified and training provided by the regional managers on a one-to-one basis where individual educational needs were identified. Issues identified as a district-wide problem were addressed during the monthly district office staff meetings and training was initiated at that time. Statewide problems identified through quality improvement were targeted for topics for statewide training sessions. Results of the onsite quality improvement consistency surveys (QICS) are providing valuable information to assist in improving consistency across the districts. Field surveyors are assisting in the development of protocols and improvement of survey processes.

There have been some questions from providers regarding the role of the quality improvement consistency survey team members while accompanying field surveyors during an QICS survey. A one page information sheet is being developed and will be provided to the administrator or designee at the entrance conference. QICS team members will be happy to answer any questions during the entrance conference and throughout the survey. The bureau would like to extend a thank you to staff of facilities for their cooperation during recent field testing of the quality improvement consistency survey process.

KDHE Audiovisual Library (KDHE AV)

The New 94-96 KDHE Audiovisual and Pamphlet Catalog will be available later this fall. To reserve a copy, please call (913) 296-1215. As always, audio-visual materials from the KDHE AV Library are available **for loan only**. Pamphlets

and other educational resources are free to the public.

The KDHE AV Library is in the process of switching to a new computer system that should be ready for use February 1, 1995. The computer update will allow staff to serve you more efficiently. Until then, if you phone in your audiovisual order, please place your call between 10:00 a.m. and 2:00 p.m. (Monday-Friday). Written or faxed orders are encouraged. Write or fax:

KDHE AV Library
900 SW Jackson, Room 1051
Landon State Office Building
Topeka, Kansas 66612-1290
Fax: (913) 296-6231

Resources for Quality Care

- *Productivity in Food Service* (The KDHE Audio-Visual Library has been unable to meet all the loan requests for this manual.) This manual is available from Iowa State Press, 2121 South State Avenue, Ames, Iowa 50010-8300, Book No. 0784. Cost \$12.95 plus \$2.00 4th Class postage.
- Tinker, L.F. *Diabetes Mellitus* - A priority health care issue for women. Journal of American Dietetic Association. 1994; 94, (9): 976-983.

In 1992, diabetes cost an estimated \$92 billion in medical care and lost productivity. About 60% of new cases are diagnosed in women. This review examines health issues related to women with diabetes mellitus.

The Kansas Professional Nursing Home Administrators Association, Kansas Association of Homes for the Aging and Kansas Health Care Association have purchased three videos and given them to the Kansas Department of Health and Environment Audiovisual Library. These videos are available for loan to nursing facilities and hospital long term care units for staff education. Contact the library by calling (913) 296-1215 or fax request to (913) 296-6231. The cost to the user is return postage.

- *The Blood Borne Pathogens-Long Term Care Version*
The following subjects are covered in this video: mandated employee training; exposure control plan; work practice controls; hazard communication; universal precautions; HBV vaccination; and recordkeeping requirements. (20 minutes)
- *Depression and the Elderly*
Depression is the most prevalent disorder of late life. It is frequently overlooked, misdiagnosed and inadequately treated. This video:
 - examines the prevalence of depression in the elderly
 - describes the primary symptoms of depression
 - cites common causes of depression among the elderly
 - shows examples of patient-focused objectives in dealing with depression
 - demonstrates interventions with the depressed elderly client. (28 minutes)

- *Tuberculosis-Challenges for Long-Term Care Facilities*

Tuberculosis is of particular concern to those individuals working in long-term care facilities. Residents are considered to be a high risk population and must be observed carefully. This videotape addresses: increase incidence of TB, current crisis, disease process, transmission, prevention, skin testing, treatment and medical monitoring. (15 minutes)

Geriatric Mental Health Training Series by Marianne Smith, Kathleen Buckwalter and Susan Mitchell is a good resource for facilities who have residents with behavioral symptoms. This series will help staff feel less frustrated with residents with behavioral symptoms by helping them learn better skills with which to understand and manage difficult behavioral symptoms. Further information concerning this series can be obtained by contacting: Springer Publishing Company, 536 Broadway, New York, NY 10012 (212) 431-4370.

The National Citizen's Coalition for Nursing Home Reform has published two booklets which could be useful information for staff in nursing facilities and long-term care units of hospitals.

Avoiding Drugs Used as Chemical Restraints \$6.50

Avoiding Physical Restraints \$6.50

If both booklets are ordered the cost is \$10.00. Reduced prices are available for bulk quantities of these publications. The above may be ordered from: NCCNHR, 1224 M St., N.W., #301, Washington, DC 20005-5183.

National Institute of Health Urges Calcium Increase

An expert panel of the National Institute of Health (NIH) concluded that "millions of people in the United States are not getting enough calcium in their diets." The consensus panel recommended the following levels of calcium intake which are higher than those specified by the Recommended Dietary Allowances (RDA's). Current RDA values are in parentheses:

Men over 25 years:	1,000 mg (800 mg)
Postmenopausal women:	1,000 to 1,500 mg (800 mg)
Women over 65 years:	1,500 (800 mg)

RAI Workshop

An RAI workshop has been scheduled for Tuesday, December 6 at the Kaw Area Technical School in Topeka. This workshop is designed for licensed nurses and other health care professionals responsible for performing the resident assessment or MDS+ and RAPs. Participants are to bring a copy of the *MDS+ Reference Manual*. Manuals may be purchased by contacting Med-Pass, Inc. at (800) 438-8884.

The workshop will begin at 10:00 a.m. and end at 4:00 p.m. at the Kaw Area Technical School located at 5724 SW Huntoon. Participants should follow the signs to the convention center located behind the main building.

Attendance at the workshop will be limited to 40 participants with no more than two persons from a facility. A completed enrollment form must be mailed to the Bureau of Adult and Child Care by the last day of enrollment, November 30, 1994. Late enrollments will not be accepted nor will individuals be allowed to attend who have not pre-enrolled. All persons who submit an enrollment form will be notified by mail as to whether or not they are enrolled in the workshops. Workshops will be cancelled in the event of bad weather. THERE IS NO CHARGE FOR THE WORKSHOPS. CONTINUING EDUCATION CREDITS WILL NOT BE OFFERED. Enrolled participants are requested to notify the Bureau in the event they are unable to attend.

ANE/CARE ISSUE STATS 6/1/94 - 8/31/94			
TOTAL Complaint Calls Assigned for Investigation			1203
ANE Investigations		Care Issues Investigated	
TOTAL	179	TOTAL	447
June	64	June	139
July	49	July	144
August	66	August	164

ALLEGED PERPETRATORS - Administrative Review				
	Total Cases	Pending	Declined	Referred
ACH Admin.	1	0	0	1
RNs	3	2	0	1
LPNs	16	8	0	8
CNAs/CMA's	53	1	12	44

ADMINISTRATIVE HEARINGS ON CNAs/CMA's	
Held	17
Confirmed	12
Unconfirmed	5
Pending Decision	1
Appeal	3
Appeal withdrawn	-
Dismissed	0

Licensure Category	Civil Penalties		Correction Orders					
			1994 Quarters					
	1st	2nd	3rd	4th	1st	2nd	3rd	4th
Inadequate or inappropriate hygiene and skin care	2	-			17	7		
Inadequate or unqualified staffing	2	-			8	5		
Inoperable or inaccessible call system	-	-			6	2		
Inappropriate or unauthorized use of restraints	3	-			5	7		
Unsafe medication administration or storage	2	-			5	7		
Inadequate nursing services other than skin care	4	1			8	5		
Inadequate or inappropriate asepsis technique	1	-			4	-		
Inadequate or inappropriate dietary/nutritional services	1	1			8	5		
Unsafe storage of hazardous or toxic substances	-	-			1	-		
Failure to maintain equipment	1	2			6	2		
Resident right violations	1	-			4	4		
Unsafe high water temperature	-	1			3	1		
Inadequate hot water	-	-			-	-		
General sanitation and safety	2	-			5	5		
Other (including inappropriate admission)	-	-			-	1		
Inadequate rehabilitation services	-	-			-	-		
Civil Penalties	11					5		
Correction Orders	34					27		
Bans on Admission	5					1		
Denials	4					2		

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
BUREAU OF ADULT AND CHILD CARE

Fact Sheet SUBSCRIPTION for 1994

**NOTE: THE *FACT SHEET* IS MAILED WITHOUT CHARGE TO
LICENSED ADULT CARE HOMES, HOSPITAL BASED LONG
TERM CARE UNITS, AND INTERMEDIATE CARE FACILITIES
FOR THE MENTALLY RETARDED.**

Name_____ (please print or type)

Address_____

City_____State____Zip Code_____

Enclose check or money order for \$10.00 and mail to:

Kansas Department of Health and Environment
Bureau of Adult and Child Care
900 S.W. Jackson, Suite 1001
Topeka, KS 66612-1290

For Office Use Only

Date received _____

KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT
RESIDENT ASSESSMENT INSTRUMENT WORKSHOP

ENROLLMENT FORM

Name Title

Title Name

Facility

Address and Zip
Code (very important)

() _____
Phone Number (very important)

Please enroll us for the workshop scheduled for December 6, 1994 ____.

-

The workshop will be held 10:00 a.m. to 4:00 p.m. at the Kaw Area Technical School, 5724 SW Huntoon, Topeka.

Mail enrollment form to: RAI ENROLLMENT
 Bureau of Adult and Child Care
 Kansas Department of Health and Environment
 900 SW Jackson, Suite 1001
 Topeka KS 66612-1290

Enrollments must be received by the date listed in the *Fact Sheet*. Late enrollments and enrollment at the door will not be accepted.

Participants will be notified if the workshop is cancelled for lack of sufficient enrollment. There is no charge for this workshop, therefore continuing education credit will not be offered.

Participants must bring a current copy of the *MDS+ Reference Manual*.